

Order Sheet
**IN THE HIGH COURT OF SINDH,
 BENCH AT SUKKUR**

Cr. Transfer Appln. No. S – 40 of 2021

Date	Order with Signature of Hon'ble Judge
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For hearing of main case
 (Notice issued)
 Comments received

02.08.2021

Applicant Altaf Hussain Hisbani Applicant in person
 Syed Sardar Ali Shah Rizvi, DPG for the State

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Muhammad Saleem Jessar, J;- The applicant, who is present in person submits that the trial Court / 3rd Civil Judge and Judicial Magistrate, Naushahro Feroze vide (Criminal Case No.42/2020 re- The State vs. Altaf Hussain Hisbani) has issued NBWs against him, therefore, he has filed ABA No.161/2021 before the Court of Sessions Judge, Naushahro Feroze, which by means of order dated 24.02.2021 was disposed of and the NBWs issued by the trial Court were recalled. He further submits that he has lost faith upon the trial Court as the incident is outcome of exchange of harsh words with the Presiding Officer / Additional Sessions Judge (**Mr. Sikander Ameer Pahore**), Kandiaro therefore, FIR No.67/2020 under Sections 353, 506/2, 228 and 504 PPC got registered with Police Station, Kandiaro.

Office was directed to call comments from the trial Court and in response to it, the trial Court / 3rd. Civil Judge and Judicial Magistrate, Naushahro Feroze has furnished his comments dated 15.07.2021 whereby he has categorically stated that the allegations leveled by the applicant are baseless, therefore, are denied, however, has further stated that he has got no personal grudge or interest with either party. The applicant further submits today the letter No.ADJ/Kandiaro/823 dated 15.04.2020, which reveals that the cases have already been referenced to the Court of Sessions, the statement is hereby taken on record.

Learned DPG submits that though the trial Court is independent yet if the applicant shows apprehension then the District and Sessions Judge concerned may be directed to assign the captioned case to any of the Civil Judge and Judicial Magistrate / Model Criminal Trial Court stationed at Kandiaro.

Accordingly, and in view of above, instant Criminal Transfer Application is **allowed**. Learned District and Sessions Judge, Naushahro Feroze is hereby directed to withdraw the file of Criminal Case No.42/2020 re- State vs. Altaf Hussain under Sections 353, 504, 506/2 and 228 PPC from the file of learned 3rd Civil Judge and Judicial Magistrate, Naushharo Feroze and made it over to the Court of Civil Judge and Judicial Magistrate / Criminal Model Court, at Kandiaro with direction to decide the fate of case expeditiously in accordance with law.

It is expected that the trial Court shall not be influenced by the position / status of either side and decide the case purely on merits as well as according to law.

Judge